

JUN 23 AM 10:42  
USDA  
OAL/VOHC  
*KE*

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) HPA Docket No. 11-OZ-44  
 )  
 Kevin Evans, ) RECEIVED  
 Jack E. Evans, )  
 and Terry C. Kindley )  
 )  
 Respondents )

Consent Decision and Order as to  
Kevin Evans

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Kevin Evans, admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

A. Respondent Kevin Evans, is an individual whose mailing address is 1150 Liberty Road, Gold Hill, North Carolina 37813.

B. At all times material hereto, respondent Kevin Evans, was the trainer and an owner of the horse known as "El Chicano" and entered this horse as Entry No. 188, Class No. 24, On July 13, 2007, at the Land-O-The-Sky Summer Festival Horse Show at Asheville, North Carolina.

#### Conclusions

Respondent Kevin Evans, having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

6-7-11

Order

1. ~~Respondent Kevin Evans is assessed a civil penalty of \$1,000.~~ KE Kevin Evans
2. Respondent Kevin Evans is disqualified for an uninterrupted period of one year, <sup>beginning June 7, 2011,</sup> from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction. For the purposes of this Order, "participating" means engaging in any activity beyond that of a spectator and includes, without limitation, transporting or arranging for the transportation of horses to or from any horse show, horse exhibition, or horse sale or auction, personally giving instructions to exhibitors, and being present in the warm-up or inspection areas, or in any area where spectators are not allowed. Jurisdiction is retained for the limited purpose of enforcement of this paragraph.

6-7-11 KE  
Kevin Evans

This order shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

Kevin Evans 6-7-11  
Kevin Evans  
Respondent

Robert A. Ertman  
Robert A. Ertman  
Attorney for Complainant

Done at Washington, D.C.  
this 23<sup>rd</sup> day of June 2011

J. D. Gammie  
Administrative Law Judge

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

9851 6762  
0001 1680  
7009

Return  
(Endorseme  
Restricted  
(Endorseme  
Total Pos

JACK E. EVANS  
13175 HIGHWAY 52  
GOLD HILL  
NORTH CAROLINA 28071

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website

**OFFIC'**

Postage \$ \_\_\_\_\_  
Certified Fee \_\_\_\_\_

Return Receipt  
(Endorsement Requ'  
Restricted Dr'  
(Endorseme  
Tr

KEVIN EVANS  
1150 LIBERTY ROAD  
GOLD HILL, NORTH CAROLINA 28071

Postmark  
Here

PS Form 3800, August 2006

See Reverse for Instructions

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website

**OFFICIA**

Postage \$ \_\_\_\_\_  
Certified Fee \_\_\_\_\_

Return Receipt Fee  
(Endorsement Requ'  
Restricted Dr'  
(Endorseme  
Tr

TERRY C. KINDLEY  
2625 OLD US HWY 80  
GOLD HILL, NORTH CAROLINA 28071

PS Form 38, August 2006

See Reverse for Instructions